

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Gustavo ROSAS-Santillan,

Defendant

Magistrate Docket No. 08 MJ 1124

COMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 12, 2008** within the Southern District of California, defendant, **Gustavo ROSAS-Santillan**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT

Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF April, 2008

Barbara L. Major

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Gustavo ROSAS-Santillan

PROBABLE CAUSE STATEMENT


I declare under the penalty of perjury that the following statement is true and correct:

On April 12, 2008, Supervisory Border Patrol Agent J. Coyle Jr., was assigned to line watch duties in the Imperial Beach, California area of operations. At approximately 2:00 a.m., the Remote Video Surveillance System (RVSS) operator informed agents in the area that he had seen five subjects running north from the United States/Mexico Border towards an area commonly referred to as "Soccer Field". This area is approximately two and one-half miles east of the San Ysidro, California, Port of Entry, and is approximately thirty yards north of the United States/Mexico International Boundary Fence. Agent Coyle responded to the area and positioned himself at the north end of "Soccer Field" and waited for the subjects to approach his position. After a brief wait, Agent Coyle observed five individuals walking north towards his stationary position. When the individuals were approximately 15 feet away, Agent Coyle identified himself as a U.S. Border Patrol Agent and conducted an immigration inspection. One individual later identified as the defendant **Gustavo ROSAS-Santillan** and the other subjects freely admitted to being citizens and nationals of Mexico illegally present in the United States. At approximately 2:10 a.m., all five subjects were arrested and subsequently transported to the Imperial Beach Border Patrol Station for processing.

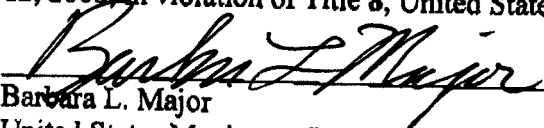
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on December 6, 2007 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights in the Spanish language. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.

Executed on April 13, 2008 at 9:00 a.m.


Carlos R. Chavez
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on April 12, 2008, in violation of Title 8, United States Code, Section 1326.


Barbara L. Major
United States Magistrate Judge

4/13/08 at 9:32 am
Date/Time